

Remarks

Upon entry of the amendments noted above, Claims 1, 3, 4, 7, 13, 15-21, 25-35, 38-40 and 45-46 will be pending. Claims 2, 8, 14 and 22 are sought to be canceled in this Response to place the case in condition for allowance, as detailed below.

Rejections Under Section 112

Claims 14, 17, 18 and 27-33 were rejected under Section 112, first paragraph, as not being enabled in the Specification.

Claim 13 has been amended to incorporate the limitations of Claim 14, but deleting references to a magnetic/non-magnetic pattern.

Claim 27 has been amended to recite that the pattern includes a pattern of reflective and non-reflective regions and to delete reference to radiation from the magnetic regions originating from the electromagnetic radiation source.

Applicants believe the Section 112 rejections are moot in view of the amendments to Claims 13 and 27.

Rejections Based On Horikawa

Claims 1 and 13 stand rejected under Section 102 as being anticipated by Horikawa. Claim 1 has been amended to incorporate the limitations of Claim 2 (and, accordingly, Claim 2 has been canceled). Claim 13 has been amended to incorporate limitations from Claim 14 (and, accordingly, Claim 14 has been canceled). The rejections based on Horikawa are moot in view of the amendments to Claims 1 and 13.

Rejections Based On Satoh

Claims 1, 3, 4, 7, 13, 15-21, 25-35, 38-40 and 45-46 stand rejected as being anticipated by or obvious over Satoh 5119363, or Satoh in view of Honda 2002/0191517. The rejections are all based on the assertion that Satoh teaches controlling the rotational speed of the media based on the sensed frequency of radiation from the pattern of reflective regions on the media. This assertion is not correct.

Claim 1 recites sensing a frequency of radiation from the reflective regions of the pattern and controlling, with the sensed frequency, a rotational speed of the media. Claims 13, 26 and 39 recite similar limitations. In Satoh, the pulse train

generated by detecting the rotating index marks 20 is used to control the "phasic synchronism" of the disk drive motor 23. Satoh column 7, lines 2-5. So far as Applicant can tell, this term, "phasic synchronism", is not defined in Satoh. Applicant is not aware that the term is commonly used or defined in the pertinent art. A Google search of the term shows only 4 hits -- three patents (including Satoh) and an otherwise irrelevant reference. There is thus no teaching in Satoh that the pulse train generated by detecting the rotating index marks is used to control the rotation speed of the media.

If the Examiner disagrees, he is respectfully requested to explain how Satoh's "phasic synchronism" might somehow reasonably be interpreted as teaching the claimed control function, bearing in mind that to support the Section 102 rejection Satoh must describe the control function with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by those having ordinary skill in the pertinent art. *See e.g.*, *W. L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983) and *ATD Corp. v. Lydall, Inc.*, 159 F.2d 534 (Fed. Cir. 1998). Absent such a showing, the rejections based on Satoh should be withdrawn.

The foregoing is believed to be a complete response to the pending Office Action.

Respectfully submitted,
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